### **USFK REGULATION 643-2**

PERSONAL PROPERTY (643)

# Transactions Between SOFA Personnel and Personnel Not Entitled Duty-Free Import Privileges in ROK

**28 February 1990** 

**UNCLASSIFIED** 

ATTHE IM-PRM-P AFO SF 98301-0009

TIPRARY \*USPK Reg 643-2

# HEADQUARTERS UNITED STATES PORCES KOREA APO SAN FRANCISCO 96301-0010

USFK Regulation No. 643-2

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.

28 February 1990

### Personal Property

TRANSACTIONS BETWEEN STATUS OF PORCES AGREEMENT PERSONNEL AND PERSONNEL NOT ENTITLED DUTY-FREE IMPORT PRIVILEGES IN THE REPUBLIC OF KOREA

SUPPLEMENTATION. Issue of further supplements to this regulation by subordinate commands is prohibited unless prior approval is obtained from HQ USFK, ATTN: PMJ-SSD, APO SF 96301-0010.

### 1. PURPOSE.

a. This regulation contains policies, procedures, and documentation for implementing article IX, paragraph 6, of the Status of Forces Agreement (SOFA) between the United States (US) of America and the Republic of Korea (ROK). Article IX, paragraph 6 of the SOFA states:

"Except as such disposal may be authorized by the authorities of the United States and of the Republic of Korea in accordance with mutually agreed constitutions, goods imported into the Republic of Korea free of duty shall not be disposed of in the Republic of Korea to persons not entitled to import such goods free of duty."

At the 140th Meeting on 15 May 1981, the ROK-US Joint Committee published mutually agreed conditions for the disposition of personal property imported into or purchased in the ROK duty free. This regulation implements those agreed conditions. Any changes in language from the SOFA minutes are made to explain the contents or add to minor administrative procedures not covered in the minutes.

- b. Personnel who violate provisions of this regulation may be subject to administrative sanctions or jurisdiction by the ROK. Further, military personnel who violate this regulation may be subject to penalties under the Uniform Code of Military Justice (UCMJ). The possibility of criminal or civil sanctions for violation of this regulation does not preclude appropriate disciplinary or other actions for offenses prescribed elsewhere.
- 2. APPLICABILITY. This regulation applies to all military personnel, members of the civilian component, invited contractors, technical representatives, and their dependents who are subject to the provisions of the SOFA. This regulation does not apply to personnel of the Joint United States Military Advisory Group-Korea who are subject to a separate international agreement between the US and the ROK.

<sup>\*</sup>This regulation supersedes USFK Reg 643-2, 4 May 1982.

- 3. REFERENCES. The following are required publications:
- a. Enclosure to the Minutes of the 140th Meeting of the US-ROK Joint Committee. Cited in subparagraph la.
- b. USFK Reg 27-5 (Individual Conduct and Appearance). Cited in subparagraph 6c(3).
- c. USFK Reg 60-1 (Ration Control). Cited in subparagraphs 6c(1), 6d, 7a(5), and 7a(6).
- d. USFK Reg 190-1 (Motor Vehicle Traffic Supervision). Cited in subparagraph 6c(2).
- e. USFK Reg 643-1 (Transactions Between SOFA Personnel and Personnel Entitled Duty-Free Import Privileges in the Republic of Korea). Cited in subparagraph 6a.
- f. US-ROK Status of Forces Agreement. Cited in subparagraphs la; 5b(1); 6a, b, and c; 7a(4)(b); and paragraph 2.

### 4. EXPLANATION OF SPECIAL TERMS.

- a. Bona fide gitt. A gift of duty-free goods not exceeding \$50.00.
- b. Duty-free goods. Goods imported into or purchased in Korea free of duty.
- c. Maintenance gitts. Clothing and personal items furnished to domestic/personal employees to enable them to maintain appropriate standards of appearance, cleanliness, and neatness during the performance of duties.
- d. Prohibited items. All goods, regardless of value, purchased from a DOD commissary; subsistence items and alcoholic beverages of any type purchased from a nonappropriated fund (NAF) outlet (e.g., post/base exchange, Class VI store, shoppette, open mess, etc.); subsistence items and alcoholic beverages of any type purchased from any club or organization operating on a USPK installation which sells duty-free alcoholic beverages or other duty-free goods (e.g., Embassy Association Club, United Nations Command, Open Mess, etc.); cigarettes, and firearms are prohibited items. An item is not considered prohibited if served as a prepared food or beverage. Likewise, single cigarettes may be offered as a courtesy to guests.
- e. Transfer. Surrendering the possession of or title to duty-free goods by sale, gift, donation, loan, pawn, rent, or otherwise. This does not preclude the temporary rent or use of duty-free goods by authorized patrons or guests at USFK recreational facilities.
- f. Welfare gift. A gift of new or used clothing, prepared food, beverages, or other relief items donated by USFK personnel or organizations, which will

enhance the welfare of individuals or institutions (e.g., schools, orphanages, churches, hospitals, or representatives), cared for by service, charitable, or relief organizations.

g. Subsistence items. Food and drink items that are considered necessary to sustain life. Included are such items as meats, dairy products, vegetables, bottled water, soft drinks, breads and cereal, or grain products. Not included are gourmet cheeses; prepackaged gitt items containing foodstuffs; candy, gum, and snack items such as potato chips and pretzels.

### 5. RESPONSIBILITIES.

- a. The Assistant Chief of Staff (ACofS), Jl, will develop, promulgate, implement, and manage a flexible and effective program for the disposition of duty-free goods.
  - b. The Provost Marshal, United States Forces Korea (USFK), will--
- (1) Appoint a USFK customs clearance officer (CCO) who will be a designated representative of the Commander (Cdr), USFK, in accordance with (IAW) the SOFA.
- (2) Exercise staff supervision over the USFK CCO to ensure compliance with this regulation.
- c. The local Provost Marshal/Chief, Security Police, will comply with the provisions of paragraph 7 below, when assisting personnel with the sale of duty-free goods.
  - d. Component commanders will--
- (1) Ensure that all members of their respective commands/organizations are aware of the contents of this regulation.
- (2) Ensure that appropriate action is taken against those personnel who do not comply with the provisions of this regulation when transferring duty-free goods to personnel not authorized duty-free import privileges.
- e. Unit commanders and their designated responsible officers are the authorized representatives of the Cdr, USFK, for the transfer of duty-free goods.
- t. Personnel identified in paragraph 2 above (who are entitled to duty-free privileges) will comply with procedures of this regulation.

### 6. POLICY.

a. USFK Reg 643-1 controls transfer of duty-free goods to personnel entitled to duty-free import privileges. Under the SOFA, however, USFK

### USFK Reg 643-2

members do not enjoy unlimited privileges to transfer duty-free goods defined in paragraph 5 above to persons or organizations not authorized duty-free import privileges.

- b. The transfer of duty-free goods to persons or organizations not covered by the SOFA are categorized into two separate systems. The duty-free goods specifically mentioned in appendix A must first be offered for sale to an organization or an individual designated and licensed by the ROK Government (ROKG). All other goods can be offered for sale or as a gift to any individual or organization unless prohibited IAW applicable directives.
- c. The SOFA provisions (concerning article IX) and this regulation do not change provisions of other directives which independently govern the control and disposition of property. Among those directives which are not modified by this regulation are--
- (1) USFK Reg 60-1, which controls the purchase of duty-free items in USFK facilities and requires that individuals substantiate possession or authorized disposition. (This regulation also prohibits transferring the possession of duty-free goods purchased from a DOD commissary, regardless of the value or method of transference; alcoholic beverages purchased from any US Armed Forces NAF outlet; or subsistence items purchased from a NAF outlet. Other provisions of this regulation remain in effect.)
- (2) USFK Reg 190-1, which covers registration of motor vehicles and contains requirements concerning de-registration upon transfer of a vehicle.
- (3) USFK Reg 27-5, which provides command policy and directives for military personnel concerning acts that violate the UCMJ.
- d. Exchange Letter of Authorization Purchase Record/Controlled Item
  Purchase Record (LOAPR/CIPR) items listed in USPK Reg 60-1, table 5-4, may be
  transferred IAW provisions contained within this regulation.
- e. Items should not be transferred as individual pieces or portions of a set in order to circumvent controls prescribed in this regulation (e.g., a silver tea service should not be transferred individually as a creamer, a sugar bowl, a teapot, or a serving tray.)

### 7. PROCEDURES.

- a. Transfer of duty-free goods to persons not authorized free import privileges.
- (1) An individual's request for approval to transfer duty-free goods will be approved/disapproved by the Cdr, USFK, or his designated representative who will furnish a copy of the approved USFK PL 2EK (Request for Authority to Transfer Duty-Free Items) (app B) to the Collector of Customs, ROK.

- (2) Authority to transfer items that are no longer serviceable, useful, or needed may be granted to those personnel with an estimated date of departure (end of tour) from the ROK of 130 days or less to personnel who have been in possession of used items for at least 1 year. The seller/donor will follow procedures outlined in subparagraph (3) below. Exception to the time limitation may be made with the approval of the Minister of Finance, ROK, or the designated representative. To obtain an exception, the seller will prepare and forward one copy of USFK FL 2EK through command channels to Cdr, USFK, ATTN: PMJ-CP, APO SF 96301-0010, and explain in subparagraph 1c of the request why an exception is requested. The request will be dispatched by the CCO for action by the Commissioner, Department of Customs Administration, ROK. After action by the Commissioner, the request with answer will be returned to the seller/donor by the CCO via certified mail.
- (3) The following procedures apply to those persons who desire to transfer other than by gift or donation one of the specific duty-free goods listed in appendix A. (Such goods must mandatorily be offered to a designated/licensed organization or individual (licensed buyer).)
- (a) The seller will contact the office of the local Provost
  Marshal/Chief, Security Police (PM/CSP) (app C), for the name and telephone
  number of the licensed buyer in the area. The licensed buyer must possess an
  identification card as shown in appendix D. The seller will contact the
  licensed buyer and negotiate the transfer price of the item. Current market
  value, Korean customs duty, and other expenses should be considered.
- (b) Once an agreement has been reached, the seller will prepare the transfer agreement (USFK PL 2EK) in four copies. The seller will give one copy to the licensed buyer, and submit three copies of USFK FL 2EK through command channels to Cdr, USFK, ATTN: PMJ-O-CP, APO SF 96301-0010. The seller's responsible officer (RO), as designated in USFK Reg 60-1, table 2-2, will verify that the proposed transaction is officially authorized and then grant the authority to transfer the item(s) to the licensed buyer. When the RO certifies the transfer, one copy of the USFK FL 2EK will be endorsed back to the seller who will retain this approval. The RO will then forward two copies of the certified USFK FL 2EK to Cdr, USFK, ATTN: PMJ-O-CP, APO SP 96301-0010, for further routing. Final approval/disapproval authority rests with the appropriate ROKG authority.
- (c) Upon receipt of the approval from the RO, the seller may transfer the item(s). The licensed buyer is responsible for delivery and clearing the purchased item with Korean customs officials within 30 days of the date of transfer. The seller is not responsible for ensuring that customs duties are paid.
- (d) If the licensed buyer does not purchase the item or if the item is declared unserviceable by the licensed buyer and the owner still desires to sell, the local PM/CSP should be contacted. The PM/CSP will verbally notify the CCO at the USFK, Provost Marshal's (PMJ) Office that an agreement could not be reached. The PM/CSP will provide the name and address of the seller

and the name and telephone number of the licensed buyer to the CCO at PMJ who will provide all information to the Collector of Customs, ROK, the same day it is received, if possible. The Collector of Customs, ROK, will arrange for the item to be inspected within 5 days at the seller's residence/office. After 5 days or after the item has been inspected by an ROK customs official, the seller is free to dispose of the item to any individual buyer using the procedures in subparagraph (4) below. The 5-day period begins when the PM/CSP gives the required notice to the CCO at PMJ.

- (4) The following procedures apply to those persons who desire to transfer an item listed in appendix A that was not purchased by a licensed buyer or any item sold to other than a licensed buyer, regardless of its selling price, unless excepted by subparagraph (5) below.
- (a) The seller will complete USFK PL 2EK in four copies; retain one copy; give one copy to the buyer; and forward two copies through command channels to Cdr, USFK, ATTN: PMJ-O-CP, APO SF 96301-0010. The two copies sent to PMJ must be accompanied by a copy of the buyer's residence registration and his or her seal certificate (app E).
- (b) The seller's RO will verify that the proposed transaction is authorized and forward the paperwork to the CCO at PMJ. The CCO at PMJ will verify from these documents that the proposed transaction meets the requirements contained in the SOFA and this regulation. If approved, the documents will be forwarded to the Collector of Customs, ROK, for final approval and determination of customs duties. If disapproved, the document will be returned to the seller with an explanation of why the proposed transfer was disapproved.
- (c) Within 7 days of receipt of the documents, the Collector of Customs will notify PMJ of approval/disapproval on the transfer agreement. If disapproved, the Collector of Customs will specify the reason for disapproval. Pailure to notify PMJ within this time period will constitute an approval of the transfer agreement.
- (d) The CCO at PMJ will send the approved/disapproved USFK FL 2EK through command channels to the seller.
- (e) The seller may transfer the items(s) only after receiving the approved USFK FL 2EK. The buyer is responsible for paying the customs duties as assessed by the Collector of Customs within 30 days of transfer. The seller will not be responsible for ensuring that the customs duties are paid.
- (5) As an exception to the provisions of subparagraphs (3) and (4) above, duty-free goods which have been in Korea and in the possession of the seller/donor for more than 1 year can be transferred without notice to the Collector of Customs if the items are sold for less than \$100 or are unserviceable. However, it is recommended that the written record of the transfer (e.g., USFK FL 2EK) be maintained by the seller in order that proper disposition of the items can be shown IAW USFK Reg 60-1, if requested by the

unit commander or law enforcement officials. This is especially true for exchange items costing \$50 or more and for LOAPR/CIPR items listed in USFK Reg 60-1, table 5-4.

- (6) All personnel are required to obtain USFK Form 48 (US Porces Korea Letter of Authorization Purchase Record (LOAPR)) from their RO for subsequent purchase of all exchange LOAPR/CIPR items listed in USPK Reg 60-1, table 5-4.
- b. Gifts to persons or organizations not authorized duty-free import privileges.
- (1) Gifts (as defined in paragraph 5 above) may be given at any time without special authorization provided the value or purpose meets the applicable definition in this regulation.
- (2) Prohibited items, as defined in paragraph 5 above, may not be given to persons or organizations not authorized duty-free import privileges.
- (3) Per agreement with the ROKG, no customs duties will be assessed against the donor or the recipient of a gift.
- (4) No special procedures exist to give either a bona fide gift or maintenance gift to an individual. However, it is recommended that a written record of the transfer (e.g., USFK FL 2EK) be maintained by the donor in order that proper disposition of the item(s) can be shown it required by the unit commander or a law enforcement official. This is especially true for exchange items costing \$50 or more and for LOAPR/CIPR items identified in USPK Reg 60-1, table 5-4, regardless of how acquired.
- (5) A welfare gift of foreign origin exceeding \$50 per unit in value must be reported to the Collector of Customs, ROK. To report a welfare gift, the donor will prepare three copies of USFK FL 2EK; retain one copy; give one copy to the recipient of the gift, and send the third through command channels to Cdr, USFK, ATTN: PMJ-O-CP, APO SF 96301-0010. The donor will explain in paragraph 1c that this is a welfare gift. Advance approval to transfer is required.

The proponent of this regulation is the Office of the Provost Marshal. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Porms) to Commander, USFK, ATTN: PMJ-SSD, APO SF 96301-0010.

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### FOR THE COMMANDER:

OFFICIAL:

CHRISTOPHER D. STRATTON Lieutenant Colonel, USA Assistant Adjutant General JAMES R. TAYLOR Major General, USA Chief of Staff

### 5 Appendixes

- A. Specific Duty-Free Goods Which Must Be Offered to Designated Organization
- C. List of Local Military Police/ Security Police Offices
- D. Sample Format for Licensed Buyer Identification Card
- E. Sample of Seal Certificate

### DISTRIBUTION:

Α

### SPECIAL DISTRIBUTION:

50 - PMJ-SSD

150 - COMAFKOREA

10 - COMNAVFORKOREA

200 - ACOFS, Jl, ATTN: AJ-DM

### APPENDIX A

## SPECIFIC DUTY-PREE GOODS WHICH MUST BE OFFERED TO DESIGNATED ORGANIZATION

- 1. Cameras (Over \$100)
- 2. Color Television Sets
- 3. Stereo Music Systems (Over \$100)
- 4. Tuners/Amplifiers/Receivers (Over 100)
- 5. Turntables (Over \$100)
- 6. Speakers (Over \$100)
- 7. Washing Machines (Over \$100)
- 8. Clothes Dryers (Over \$100)
- 9. Gas/Electric Ranges (Over \$100)
- 10. Retrigerators (Over \$100)
- 11. Freezers (Over \$100)
- 12. Tape Decks/Tape Recorders (Over \$100)
- 13. Car Radio/Tape Decks (Over \$100)
- 14. Air Conditioners (Over \$100)
- 15. Pianos/Organs
- 16. Carpets and Furniture (Over \$100)
- 17. Golf Clubs (Over \$100)
- 18. Mink Coats/Jackets/Stoles
- 19. Lamb, Seal Coats/Jackets/Stoles
- 20. Uncut Stones (Over \$100)

Note: Items, as mutually agreed between ROK-US SOFA Secretariat, can be added or deleted.

### APPENDIX B

# SAMPLE OF USPK PL 2 EK REQUEST FOR AUTHORITY TO TRANSFER DUTY-FREE ITEM(S)

SYBUTOTI: THERE: THERE:	Recuest for Authority to Tra	nsfor Duty Free Itam(s) 본신청사		
TC:	Commander, USFK AFTN: PMU-0-C APO 96301	수 신 : 수 한 미건 사명 참로: 현명 부 군 후 96301	관 상실 작건/관계과	
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### APPENDIX C

### LIST OF LOCAL MILITARY POLICE/SECURITY POLICE OFFICES

Military Police/ Security Police (MP/SP)	Location	Telephone Number
USAGY	Yongsan	724-8177/8178
Cp Market subarea	Bu Pyong	722-3410
3d MP Co	Uijoing Bu	732-6693/6027
Taegu subarea	Taegu	764-4141/5646
Cp Humphreys subarea	Pyong Taek	753-6600/6618
Pusan subarea	Pusan	763-3656
Waegwan subarea	Waegwan	765-8511
2d Inf Div	Cp Casey 730	730-4412/4417
Cp Stanley Det	Cp Stanley 732	732-6693/1310
Cp Pelham Det	Cp Pelham	734-2668
Area II Spt Act	Cp Page	721-5410/5024/5021
Cp Long Spt Det	Cp Long	721-3325
8th CSG (SP)	Kunsan AB	782-4944/4945/4946
51st CSG (SP)	Osan AB	784-4651/6803
6168th ABS (SP)	Taegu AB	766-4433/4439
6171st ABS (SP)	Kwang Ju AB	786-6401/6416

### APPENDIX D

### SAMPLE FORMAT FOR LICENSED BUYER IDENTIFICATION CARD

PHOTO

PHONE 723-0000

ID# 654321-0032188

THE INDIVIDUAL NAMED ABOVE IS AN AUTHORIZED PURCHASER OF DUTY FREE GOODS UNDER THE TERMS OF THE ROK-US STATUS OF FORCES AGREEMENT.

HAN KEUN SOO THOMAS F. SEEBODE COLONEL, USAF ACOFS, J1
ADMINISTRATION USFK

### APPENDIX E

### SAMPLE OF SEAL CERTIFICATE

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그 기다 반에 의견될 구동안병과 그 소재지를 주가 기재합니다.
 3. "발급일자"와 "유효기간"은 한글로 기재하되 발급일자에 변한이 있을 때에는 변란에 지표시를 합니다.

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	<ol> <li>위임장 또는 법정대리인의 동의서에는 반드시 위임 또는 법정대리인의 누구나월일을 챙겨 할정</li> <li>위임장 또는 법정대리인의 동의서 유효기간은 1개월간임, 다만 위임자 또는 법정대리인이 구내 에 현재하지 아니라는 경우에는 3개월로 함</li> </ol>								
	3 . 본 위임상 등	의서 1 통당 <b>인감증</b> 의어주선 <mark>고를 하</mark> 제	'영사 1부동 5	)급받을수 있음 '이번에 사용할 연극	(중면서를 진정할 때는 관합·				
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